

PREET BHARARA
United States Attorney for the
Southern District of New York
By: LEIGH WASSERSTROM
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel. No.: (212) 637-3274
Fax No.: (212) 637-2686

JUDGE WOODS

14 CV 9490

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

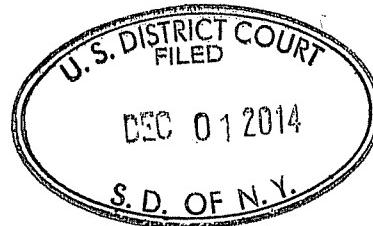
NEHAYAN RAMADAN and AYMAN
IBRAHIM,

Plaintiffs,

v.

NHAN TAI, M.D., KRISTIN GRAHAM,
P.A., HUDSON RIVER HEALTH CARE,
INC., VASSAR BROTHERS MEDICAL
CENTER, HEALTH QUEST MEDICAL
PRACTICE, P.C., HEALTH QUEST
MEDICAL PRACTICE, P.L.L.C., and
HEALTH QUEST SYSTEMS, INC.,

Defendants.



NOTICE OF REMOVAL

14 Civ. _____

from the Supreme Court of the State of New
York, County of Westchester,
Index No. 55971/2014

PLEASE TAKE NOTICE THAT Defendants Nhan Tai, M.D. ("Tai") and Hudson River Health Care, Inc. ("Hudson River"), by and through their attorney, PREET BHARARA, United States Attorney for the Southern District of New York, hereby remove the above-captioned action to the United States District Court for the Southern District of New York.

The grounds for removal are as follows:

1. On or about April 16, 2014, Plaintiffs commenced an action in the Supreme Court of the State of New York, Westchester County, by filing a summons and complaint under index number 55971/2014. A true and correct copy of the summons and

complaint is attached hereto as Exhibit A.

2. Pursuant to section 224 of the Public Health Service Act, 42 U.S.C. § 233, as principally amended by section 4 of the Emergency Health Personnel Act of 1970, Pub. L. No. 91-623, 84 Stat. 1868, 1870-71, and sections 3 through 8 of the Federally Supported Health Centers Assistance Act of 1995, Pub. L. No. 104-73, 109 Stat. 777, 777-81, Defendant Hudson River, which was the employer of Defendant Tai for all periods relevant to the Complaint, was deemed to be an employee of the United States Government for the period January 1, 2013 to December 31, 2013. See Public Health Service Act § 224(g)-(j), (m), 42 U.S.C. § 233(g)-(j), (m).

3. The Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 1402(b), 2401(b) and 2671-2680, provides the exclusive remedy with respect to plaintiffs’ claims against Hudson River and Tai. See Public Health Service Act § 224(a), 42 U.S.C. § 233(a).

4. This action may be removed to this Court pursuant to section 224(c) of the Public Health Service Act, 42 U.S.C. § 233(c), and 28 U.S.C. § 2679(d)(2) because: (i) trial has not yet been had of this action; and (ii) this is a civil action brought against a party deemed to be an employee of the United States Government for purposes of the FTCA. A true and correct copy of the Certification of Preet Bharara, United States Attorney for the Southern District of New York, dated November 25, 2014, certifying that Defendants Hudson River and Tai are employees of the United States for purpose of plaintiffs’ claims against them, is attached hereto as Exhibit B.

Dated: New York, New York
December 1, 2014

PREET BHARARA
United States Attorney for the
Southern District of New York


By: LEIGH WASSERSTROM
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel.: (212) 637-3274
Fax: (212) 637-2686

*Attorneys for Defendants Nhan Tai, M.D. and
Hudson River Health Care, Inc*

TO: Danielle Brenner, Esq.
Napoli Bern Ripka Shkolnik, LLP
350 5th Avenue, Suite 7413
New York, NY 10118
Attorneys for Plaintiffs

Craig P. Fenno
Aaronson Rappaport Feinstein & Deutsch, LLP
600 Third Avenue
New York, NY 10016
Attorneys for Defendants Kristin Graham, P.A., Vassar Brothers Medical Center, Health Quest Medical Practice, P.C., and Health Quest Systems, Inc.